

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SUNTRUST BANK,

Plaintiff,

08 CV 1042

-against-

2003 29-FOOT SALT SHAKER MOTOR
YACHT "MASABETH", Official Number
1139586, et al.,


**ORDER FOR RELEASE OF
VESSEL FROM ARREST
UPON VOLUNTARY
DISMISSAL OF ACTION**

Defendants.
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A complaint having been filed in this action to foreclose a first preferred ship mortgage on the defendant vessel "Masabeth", and the said vessel having been arrested on February 8, 2008, pursuant to a warrant of arrest *in rem*, and defendants not having entered an appearance herein,

Now, on motion of Frechill, Hogan & Mahier (Patrick J. Bonner, Esq.), attorneys for plaintiff, dismissing this action with prejudice on the ground that its claim has been satisfied, it is hereby

ORDERED, that the defendant vessel "Masabeth" be released from the custody of the United States Marshal for the Southern District of New York, and from the custody of Lab Marine, Inc., the substitute custodian appointed by this Court, and the said Marshal is ordered to release said vessel from arrest upon satisfaction of his fees from the plaintiff's deposit with payment of any fees in excess of plaintiff's deposit that may be outstanding



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and unpaid, plaintiff being responsible for payment of all fees due the substitute
custodian, and it is further

ORDERED, that the United States Marshal for the Southern District of New York
be held harmless by plaintiff for any wharfage, storage or other charge that may have
accrued, including fees of the substitute custodian, and it is further

ORDERED, that the instant action be and the same is hereby discontinued and
dismissed with prejudice and without costs to either party.

SO ORDERED:

Dated: *March 31, 2008*

Charles L. Bricant

Judge Charles L. Bricant, U.S.D.J.

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SunTrust Bank